

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ADRIAN JOHN, SHANTEE WILLIAMS and
LUIS GOMEZ,

Plaintiffs,

-against-

Police Officer MATTHEW DEMAIO, Shield No.
23579; Lieutenant "JOHN" DOYLE; and JOHN
and JANE DOE 1 through 10, individually and in
their official capacities (the names John and Jane
Doe being fictitious, as the true names are presently
unknown),

Defendants.
-----x

COMPLAINT

15 CV 6094

Jury Trial Demanded

NATURE OF THE ACTION

1. This is an action to recover money damages arising out of the violation of plaintiffs' rights under the Constitution.

JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States.

3. The jurisdiction of this Court is predicated upon 28 U.S.C. §§ 1331 and 1343.

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 (b) and (c).

5. This Court has supplemental jurisdiction over the New York State claims pursuant to 28 U.S.C. § 1367.

JURY DEMAND

6. Plaintiffs demand a trial by jury in this action.

PARTIES

7. Plaintiff Adrian John is a resident of Kings County in the City and State of New York.

8. Plaintiff Shantee Williams is a resident of Kings County in the City and State of New York.

9. Plaintiff Luis Gomez is a resident of Kings County in the City and State of New York.

10. Defendant Police Officer Matthew DeMaio, Shield No. 23579 (“DeMaio”), at all times relevant herein, was an officer, employee and agent of the NYPD. Defendant DeMaio is sued in his individual and official capacities.

11. Defendant Lieutenant “John” Doyle, (“Doyle”), at all times relevant herein, was an officer, employee and agent of the NYPD. Defendant Doyle is sued in his individual and official capacities.

12. At all times relevant defendants John and Jane Doe 1 through 10 were police officers, detectives or supervisors employed by the NYPD. Plaintiff does not know the real names and shield numbers of defendants John and Jane Doe 1 through 10.

13. At all times relevant herein, defendants John and Jane Doe 1 through 10 were acting as agents, servants and employees of the City of New York and the NYPD. Defendants John and Jane Doe 1 through 10 are sued in their individual and official capacities.

14. At all times relevant herein, all individual defendants were acting under color of state law.

STATEMENT OF FACTS

15. At approximately 9:00 p.m. on July 3, 2015, plaintiffs were lawfully at the home of Adrian John and Shantee Williams located at 1139 Blake Avenue in Brooklyn, New York.

16. Plaintiffs, their families and friends were enjoying a lawful, peaceful

barbeque in the front yard of plaintiffs John and Williams' home when defendants, without reasonable suspicion or probable cause to believe plaintiffs or any of their guests had committed any crime or offense, began to search the area and harass plaintiffs' guest, including by shining flashlights into their children's eyes.

17. When Mr. John asked defendants, in a reasonable tone and manner, if he could help them, a defendant officer told him in sum, "Get away from me."

18. Defendants grabbed Mr. John, assaulted him and caused him serious physical injuries including fractures to his nose.

19. Ms. Williams, five months pregnant, was violently grabbed by defendants and pushed against a parked vehicle.

20. Shocked by defendants' violent conduct, plaintiff Gomez began recording defendants, from a reasonable distance, with his cellphone camera.

21. A defendant officer yelled, in sum, "put the fucking phone away," grabbed Mr. Gomez, slammed him against a parked vehicle and tightly handcuffed him.

22. Plaintiffs Williams and John were also tightly handcuffed.

23. Plaintiffs were falsely arrested and taken to the 75th Precinct.

24. At the Precinct, Ms. Williams, who was visibly pregnant, asked for food, but defendants refused her requests.

25. Defendants falsely informed employees of the Kings County District Attorney's Office that plaintiffs committed various crimes or offenses as follows: Shantee Williams was charged with obstructing governmental administration; Adrian John was charged with obstructing governmental administration, resisting arrest and harassment; and Luis Gomez was charged with disorderly conduct. Defendants prepared false paperwork to that effect.

26. At no point did the officers observe plaintiffs commit any crime or offense.

27. After approximately five hours in custody, Mr. Gomez was released with a summons compelling his future appearance in criminal court.

28. Mr. John and Ms. Williams were eventually transferred to Brooklyn Central Booking.

29. Mr. John was arraigned in Kings County Criminal Court and released on his own recognizance after approximately twenty hours in custody.

30. Ms. Williams was also arraigned in criminal court and released on her own recognizance after over twenty-four hours in custody.

31. The charges against Ms. Williams were eventually dismissed.

32. Plaintiffs John and Gomez were eventually granted adjournments in contemplation of dismissal.

33. Upon their release from custody, Ms. Williams and Mr. John sought medical treatment.

34. Plaintiffs Williams and John have required ongoing medical treatment as a result of the injuries they sustained during this incident.

35. Plaintiffs suffered damage as a result of defendants' actions. Plaintiffs were deprived of their liberty, suffered emotional distress, mental anguish, fear, pain, bodily injury, anxiety, embarrassment, humiliation, and damage to their reputations.

FIRST CLAIM
Unlawful Detention and Search

36. Plaintiffs repeat and reallege each and every allegation as if fully set forth herein.

37. Defendants violated the Fourth and Fourteenth Amendments because they detained and searched plaintiffs without reasonable suspicion.

38. As a direct and proximate result of this unlawful conduct, plaintiffs sustained the damages herein before alleged.

SECOND CLAIM
False Arrest

39. Plaintiffs repeat and reallege each and every allegation as if fully set forth herein.

40. Defendants violated the Fourth and Fourteenth Amendments because they arrested plaintiffs without probable cause.

41. As a direct and proximate result of this unlawful conduct, plaintiffs sustained the damages hereinbefore alleged.

THIRD CLAIM **Malicious Prosecution**

42. Plaintiffs repeat and reallege each and every allegation as if fully set forth herein.

43. By their conduct, as described herein, and acting under color of state law, defendants are liable to plaintiff Shantee Williams under 42 U.S.C. § 1983 for the violation of her constitutional right to be free from malicious prosecution under the Fourth and Fourteenth Amendments to the United States Constitution.

44. Defendants' unlawful actions were done willfully, knowingly, with malice and with the specific intent to deprive plaintiff Williams of her constitutional rights. The prosecution by defendants of plaintiff constituted malicious prosecution in that there was no basis for the plaintiff's arrest, yet defendants continued with the prosecution, which was resolved in plaintiff's favor.

45. As a direct and proximate result of the misconduct and abuse of authority stated above, plaintiff Williams sustained the damages alleged herein.

FOURTH CLAIM
Unreasonable Force

46. Plaintiffs repeat and reallege each and every allegation as if fully set forth herein.

47. The defendants violated the Fourth and Fourteenth Amendments because they used unreasonable force on plaintiffs.

48. As a direct and proximate result of this unlawful conduct, plaintiffs sustained the damages hereinbefore alleged.

FIFTH CLAIM
Denial Of Constitutional Right To Fair Trial

49. Plaintiffs repeat and reallegs each and every allegation as if fully set forth herein.

50. The individual defendants created false evidence against plaintiffs.

51. The individual defendants forwarded false evidence to prosecutors in the Kings County District Attorney's office.

52. In creating false evidence against plaintiffs, and in forwarding false information to prosecutors, the individual defendants violated plaintiffs' right to a fair trial under the Due Process Clause of the Fifth, Sixth and Fourteenth Amendments of the United States Constitution.

53. As a direct and proximate result of this unlawful conduct, plaintiffs sustained the damages hereinbefore alleged.

SIXTH CLAIM
Failure To Intervene

54. Plaintiffs repeat and reallege each and every allegation as if fully set forth herein.

55. Those defendants that were present but did not actively participate in the aforementioned unlawful conduct observed such conduct, had an opportunity prevent such conduct, had a duty to intervene and prevent such conduct and failed to intervene.

56. Accordingly, the defendants who failed to intervene violated the Fourth, Fifth, Sixth and Fourteenth Amendments.

57. As a direct and proximate result of this unlawful conduct, plaintiffs sustained the damages hereinbefore alleged.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully request judgment against defendants as follows:

- (a) Compensatory damages against all defendants, jointly and severally;
- (b) Punitive damages against the individual defendants, jointly and severally;
- (c) Reasonable attorneys' fees and costs pursuant to 28 U.S.C. § 1988; and
- (d) Such other and further relief as this Court deems just and proper.

Dated: October 22, 2015
 New York, New York

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